

110TH CONGRESS
1ST SESSION

H. R. 1436

To amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2007

Mr. BILIRAKIS (for himself and Mr. FORTENBERRY) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Retired Pay Restora-
3 tion Act”.

4 **SEC. 2. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY**
5 **AND VETERANS’ DISABILITY COMPENSATION**
6 **FOR CERTAIN MILITARY RETIREES WITH**
7 **COMPENSABLE SERVICE-CONNECTED DIS-**
8 **ABILITIES.**

9 (a) EXTENSION OF CONCURRENT RECEIPT AUTHOR-
10 ITY TO RETIREES WITH SERVICE-CONNECTED DISABIL-
11 ITIES RATED LESS THAN 50 PERCENT.—Subsection (a)
12 of section 1414 of title 10, United States Code, is amend-
13 ed—

14 (1) by striking “COMPENSATION” in the sub-
15 section heading and all that follows through “Sub-
16 ject” and inserting “COMPENSATION.—Subject”;
17 and

18 (2) by striking paragraph (2).

19 (b) REPEAL OF PHASE-IN OF CONCURRENT RECEIPT
20 FOR RETIREES WITH SERVICE-CONNECTED DISABILITIES
21 RATED AS TOTAL.—Such subsection is further amended
22 by striking “except that” and all that follows and inserting
23 “except—

24 “(1) in the case of a qualified retiree receiving
25 veterans’ disability compensation for a disability
26 rated as 100 percent, payment of retired pay to such

1 veteran is subject to subsection (c) only during the
 2 period beginning on January 1, 2004, and ending on
 3 December 31, 2004; and

4 “(2) in the case of a qualified retiree receiving
 5 veterans’ disability compensation for a disability
 6 rated as total by reason of unemployability, payment
 7 of retired pay to such veteran is subject to sub-
 8 section (c) only during the period beginning on Jan-
 9 uary 1, 2004, and ending on December 31, 2007.”.

10 (c) PHASE-IN OF CONCURRENT RECEIPT FOR RETIR-
 11 EES WITH SERVICE-CONNECTED DISABILITIES RATED AS
 12 40 PERCENT OR LESS.—Subsection (c) of such section is
 13 amended—

14 (1) in the matter before paragraph (1), by
 15 striking “subsection (a)(1)” and inserting “sub-
 16 section (a)”;

17 (2) in paragraph (1), by adding at the end the
 18 following new subparagraph:

19 “(G) For a month for which the retiree re-
 20 ceives veterans’ disability compensation for a
 21 disability rated as 40 percent or less or has a
 22 service-connected disability rated as zero per-
 23 cent, \$0.”.

24 (d) CLERICAL AMENDMENTS.—

1 (1) The heading for such section is amended to
 2 read as follows:

3 **“§ 1414. Members eligible for retired pay who are also**
 4 **eligible for veterans’ disability compensa-**
 5 **tion: concurrent payment of retired pay**
 6 **and disability compensation.”.**

7 (2) The item relating to such section in the
 8 table of sections at the beginning of chapter 71 of
 9 such title is amended to read as follows:

“1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation.”.

10 (e) EFFECTIVE DATE.—The amendments made by
 11 this section shall take effect on January 1, 2008, and shall
 12 apply to payments for months beginning on or after that
 13 date.

14 **SEC. 3. COORDINATION OF SERVICE ELIGIBILITY FOR COM-**
 15 **BAT-RELATED SPECIAL COMPENSATION AND**
 16 **CONCURRENT RECEIPT.**

17 (a) ELIGIBILITY FOR TERA RETIREES.—Subsection
 18 (c) of section 1413a of title 10, United States Code, is
 19 amended by striking “entitled to retired pay who—” and
 20 all that follows through the end of paragraph (1) and in-
 21 serting “who—

22 “(1) is entitled to retired pay, other than a
 23 member retired under chapter 61 of this title with
 24 less than 20 years of service creditable under section

1 1405 of this title and less than 20 years of service
2 computed under section 12732 of this title; and”.

3 (b) AMENDMENTS TO STANDARDIZE SIMILAR PROVI-
4 SIONS.—

5 (1) CLERICAL AMENDMENT.—The heading for
6 paragraph (3) of section 1413a(b) of such title is
7 amended by striking “RULES” and inserting
8 “RULE”.

9 (2) SPECIFICATION OF QUALIFIED RETIREES
10 FOR CONCURRENT RECEIPT PURPOSES.—Section
11 1414 of such title, as amended by section 2, is
12 amended—

13 (A) in subsection (a)—

14 (i) by striking “a member or” and all
15 that follows through “retiree’)” and insert-
16 ing “an individual who is a qualified re-
17 tiree for any month”; and

18 (ii) by inserting “retired pay and vet-
19 erans’ disability compensation” after
20 “both”; and

21 (B) in subsection (e), by adding at the end
22 the following new paragraph:

23 “(5) QUALIFIED RETIREE.—The term ‘qualified
24 retiree’ means a member or former member of the

1 uniformed services who, with respect to any
2 month—

3 “(A) is entitled to retired pay, other than
4 in the case of a member retired under chapter
5 61 of this title with less than 20 years of serv-
6 ice creditable under section 1405 of this title
7 and less than 20 years of service computed
8 under section 12732 of this title; and

9 “(B) is entitled to veterans’ disability com-
10 pensation.”.

11 (3) DISABILITY RETIREES.—Subsection (b) of
12 section 1414 of such title is amended—

13 (A) by striking “SPECIAL RULES” in the
14 subsection heading and all that follows through
15 “is subject to” and inserting “SPECIAL RULE
16 FOR CHAPTER 61 DISABILITY RETIREES.—In
17 the case of a qualified retiree who is retired
18 under chapter 61 of this title, the retired pay
19 of the member is subject to”; and

20 (B) by striking paragraph (2).

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on January 1, 2008, and shall
23 apply to payments for months beginning on or after that
24 date.

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